

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6697 OF 2022**

1. Late Gulab Chintu Chavan
since deceased through his legal heirs and representatives
1.A. Shri Sahebrao Gulabrao Chavan and ors.Petitioners

Versus

Late Genu Tukaram Chavan
since deceased through his legal heirs
1)A) Shri Ramdas Genu Chavan and ors.Respondents

Mr. Balasahab R. Deshmukh, Advocate for the Petitioners.
Ms. M. S. Bane, AGP for the State.

**CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.**

DATE : 8th JUNE, 2022.

P.C. :

1. Mentioned for production. In view of urgency, taken up on production board. Heard learned counsel for the petitioners and learned AGP.

2. The petitioners are the legal representatives of one Gulab Chintu Chavan. Certain lands situated in Village Mauje, Budruk, Taluka Bhore, District – Pune in old survey No.4/1 and newly formed Gat No.19 was the subject matter of the dispute between deceased petitioner – Gulab Chintu Chavan and one Genu Tukaram Chavan, who are survived through their legal heirs. In the first proceedings, the parties have approached the Revenue Court in an appeal seeking correction of revenue record entries. It seems that the petitioners losing in earlier

round of litigation preferred second appeal before the Deputy Director of Land Record, Pune, bearing appeal No. 5446 of 2021. The appeal was presented before the Appellate Court some time in the month of September, 2021, by availing the remedy under Section 247 of Maharashtra Land Revenue Code, 1966.

3. Learned counsel for the petitioners submitted that after lodgement of appeal, notices were issued. The parties have caused their appearance through their respective advocates. The respondents to the appeal have filed their reply. As the pleadings were complete, the petitioners time and again prayed to the Appellate Authority for listing the matter for hearing but the Appellate Court on some pretext or the other avoided to fix the appeal for hearing and even the prayer for grant of some date for listing of the matter on priority basis was turned down. Learned counsel for the petitioners submitted that petitioners who are now survived through their legal heirs are litigating the proceeding for nearly 12 years. The proceeding was initiated way back in the year 2003 and has now reached the second appeal stage in the year 2021. As such, the petitioners are expecting an early decision in the appeal by hearing the parties.

4. On perusal of the material placed on record and particularly going through the copy of the appeal memo placed on record at Exhibit

'A', page 15, we find considerable fairness in the submission of learned counsel for the petitioners. We further make it clear that as this Court has not observed anything on the merits of the appeal, no prejudice would be caused to the respondents, if we dispose of the petition at the admission stage with directions to respondent No.8 – Deputy Director of Land Record, Pune. Accordingly, we pass the following order :

1. Respondent No.8 – Deputy Director of Land Record, Pune, is directed to decide Appeal No. 5446 of 2021 pending before him as expeditiously as possible and not later than 16 weeks from the date of receipt of the copy of this order.

The writ petition stands disposed of.

5. Learned AGP to communicate this order to respondent No.8 – Deputy Director of Land Record, Pune.
6. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)

